

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____ /

This Order Relates To:

Carthan, et al. v. Snyder et al.
Case No. 16-10444

_____ /

**FINAL JUDGMENT AND ORDER OF DISMISSAL WITH
PREJUDICE IMPLEMENTING PARTIAL SETTLEMENT
PURSUANT TO FED. R. CIV. P. 54(b) AND 58(a)**

After a hearing on October 3, 2024, the Court issued an opinion and order granting final approval of a settlement entered into by Class Plaintiffs and VNA¹ in *In re* Flint Water Cases, Case No. 5:16-cv-10444 (the “Litigation”). (ECF No. 3162.)² For the reasons set forth on the record

¹ “VNA” means Veolia North America, LLC, Veolia North America, Inc., and Veolia Water North America Operating Services, LLC, as well as any direct or indirect parent, subsidiary, affiliate, predecessor, or successor of any of the aforementioned entities.

² Unless otherwise specified in this Final Judgment (hereafter “Judgment” or “Final Judgment”), capitalized terms in this Final Judgment have the same meaning as defined in the VNA Amended Class Settlement Agreement (“VNA Settlement Agreement”), (ECF No. 2958-1), finally approved by the Court in ECF No. 3162.

and in the order granting final approval, (*id.*), together with the order granting preliminary approval, (ECF No. 3009), the Court hereby orders:

1. There is no just reason for delay in entering this Final Judgment as to only the parties to the VNA Settlement Agreement, which are fewer than all the parties and claims in the action. The partial settlement should be implemented promptly. Accordingly, pursuant to Federal Rule of Civil Procedure 54(b), the Court hereby enters this Final Judgment, and the VNA Settlement Agreement, including all Exhibits thereto, is hereby adopted and fully incorporated by reference into this Final Judgment.

2. This document constitutes a final judgment and separate document for purposes of Federal Rule of Civil Procedure 58(a).

3. For the reasons set forth on the record on October 3, 2024, and in ECF No. 3162, the Court has determined that the provisions of the VNA Settlement Agreement are fair, reasonable, and adequate, and that such processes and procedures are hereby confirmed, established and effective to implement the VNA Settlement Agreement.

4. The Court expressly incorporates and ORDERS that all other terms of the VNA Settlement Agreement apply.

5. As of the Effective Date, the Fifth Consolidated Amended Class Complaint and all Related Lawsuits filed by Settlement Class Plaintiffs pending in Federal Court are dismissed with prejudice as to the Releasees without further costs, including claims for interest, penalties, cost, and attorney fees, except for the motions for an award of attorneys' fees and reasonable costs, which have been made and are to be determined by the Court.

6. Only those identified on the opt-out list provided by the Special Master and exchanged between the parties to this Judgment have opted-out of the Settlement Class. The Related Lawsuits identified to date that are pending in Federal and State Court are listed in Exhibit 1 and are subject to this Judgment along with any other lawsuits that may later be identified.

7. Without affecting the finality of this Judgment in any way, this Court retains continuing jurisdiction over: (a) the implementation of this settlement and any distribution to Class Plaintiffs pursuant to further orders of the Court; (b) disposition of the FWC Qualified Settlement Fund; (c) determining attorneys' fees, costs, expenses, and interest; (d) the action until the Final Judgment contemplated herein has

become effective and each and every act agreed to be performed by the parties all have been performed pursuant to the VNA Settlement Agreement; (e) hearing and ruling on any matters relating to the distribution of the FWC Qualified Settlement Fund and Monetary Awards; and (f) all parties to the action and Releasors and Releasees, for the purpose of enforcing and administering the Settlement Agreement and the mutual releases and other documents contemplated by, or executed in connection with the VNA Settlement Agreement.

IT IS SO ORDERED.

Dated: October 10, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 10, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

Exhibit 1

ALL CLASS ACTION CASES

U.S. District Court for the Eastern District of Michigan

On January 27, 2017, Judge Judith E. Levy entered an order (Dkt. No. 173) in the U.S. District Court for the Eastern District of Michigan granting a motion consolidating the following class action lawsuits:

| Case Name | Case No. |
|--|--|
| <p>Elnora Carthan, Rhonda Kelso, individually and as next of friend of K.E.K., a minor child; Darrell and Barbara Davis; Michael Snyder, as personal representative of the Estate of John Snyder, deceased; Marilyn Bryson; David Munoz; Tiantha Williams; individually and as next of friend of T.W., a minor child; Amber Brown, as next of friend of K.L.D., a minor child; Frances Gilcreast; EPCO Sales, LLC; Angelo's Coney Island Palace, Inc., on behalf of themselves and all others similarly situated, Plaintiffs,</p> <p>v.</p> <p>Governor Rick Snyder, in his individual and official capacities; the State of Michigan; the City of Flint; Daniel Wyant, in his individual capacity; Andy Dillon, in his individual capacity; Nick Lyon, in his individual capacity; Nancy Peeler, in her individual capacity; Liane Shekter-Smith, in her individual capacity; Adam Rosenthal, in his individual capacity; Stephen Busch, in his individual capacity; Patrick Cook, in his individual capacity; Michael Prysby, in his individual capacity; Bradley Wurfel, in his individual capacity; Jeff Wright, in his individual capacity; Edward Kurtz, in his individual capacity; Darnell Earley, in his individual capacity; Gerald Ambrose, in his individual capacity; Dayne Walling, in his individual capacity; Howard Croft, in his individual capacity; Michael Glasgow, in his individual capacity; Daughtery Johnson, in his individual capacity; Lockwood, Andrews & Newnam, P.C.; Lockwood, Andrews & Newnam, Inc.; Leo A. Daly Company; Veolia North America, LLC; Veolia North America, Inc.; Veolia Water North America Operating Services, LLC, Defendants</p> | <p>16-10444 (Formerly <i>Waid u. Snyder</i>)</p> |
| <p>Mya McMillian, individually and as next friend of two minor children, Janiyah McMillian and Kassidy McMillian; Amanda Fetterman, individually and as next friend of four minor children, Rilyn Eaton, Kloe Eaton, Suvanna Eaton, and Ryder Eaton; Melissa Lightfoot, individually and as next friend of three minor children Travaugh Lightfoot, Kameryn Adams, and Payton Adams; Patricia Funches, individually and as next friend of one minor child, Malik Terry; Amber Brown, individually and as next friend of one minor child, Kora Danks; Tiesha Tipton, individually and as next friend of four minor children, Andrea Tipton, Ahmahri Spillers, Andre Spillers and Alijah Spillers; Mary Mathes, individually and as next friend of two minor children, Skyler Adam Mathes and Shaun Allan Mathes, Plaintiffs,</p> <p>v.</p> | <p>16-10796</p> |

| | |
|---|----------|
| Governor Richard Dale Snyder, in his official capacity, and the State of Michigan, for prospective relief only; Daniel Wyant, Liane Shekter Smith, Adam Rosenthal, Stephen Busch, Patrick Cook, Michael Prysby, Bradley Wurfel, all in their individual capacities; Darnell Earley, Gerald Ambrose, Dayne Walling, Howard Croft, Michael Glasgow, and Daugherty Johnson, in their individual and official capacities, City of Flint, a municipal corporation, jointly and severally, Lockwood, Andrews & Newnam, P.C., a Michigan corporation, Lockwood, Andrews & Newnam, Inc., a Texas Corporation, and Leo A. Daly Company, a Nebraska corporation, Defendants | |
| Frances Gilcreast; Vivian Kelley; Estella A. Simpkins; and Beverly's Restaurant, Cakes & Catering, Plaintiffs, v. Lockwood, Andrews & Newnam, P.C.; LAN Inc.; Leo A. Daly Company; Veolia North America, LLC; Veolia Environnement S.A.; the State of Michigan; the Department of Environmental Quality; Richard Dale Snyder; Daniel Wyant; Liane Shekter Smith; Adam Rosenthal; Stephen Busch; Patrick Cook; Michael Prysby; Bradley Wurfel; Darnell Earley; Gerald Ambrose; Edward Kurtz; and Michael Glasgow, Defendants | 16-11173 |
| Lawrence Washington, Jr., individually and as next friend of five minor children, Taylor Washington, Morgan Washington, Chloe Washington, Madison Washington, Lawrence Washington; Christa Godin, individually and as next friend of three minor children, Angel Arrand, Auston Arrand, William Zietz III; Roosevelt Cameron; Deborah Smith; Aby Ndoeye, Shanika Mixon and Robin Davis, all on behalf of themselves and a class of all others similarly situated, Plaintiffs, v. Governor Richard Dale Snyder, in his individual capacity, Dennis Muchmore, in his individual capacity, and the State of Michigan, for prospective relief only; the Michigan Department of Environmental Quality ("MDEQ"), the Michigan Department of Health and Human Services ("MDHHS"), Ed Kurtz, Darnell Earley, Gerald Ambrose, Howard Croft, Michael Glasgow, Daniel Wyant, Liane Shekter Smith, Stephen Busch, Patrick Cook, Michael Prysby, Bradley Wurfel, Eden Wells, Nick Lyon, Linda Dykema, Nancy Peeler, Robert Scott, in their individual and official capacities, Rowe Professional Service Company, a Michigan Corporation, Lockwood, Andrews & Newnam, Inc., a Texas Corporation, Veolia North America, LLC, a Delaware Corporation, Dayne Walling, and the City of Flint, a municipal corporation, jointly and severally, Defendants | 16-11247 |
| Tiffany Davenport, individually and as next friend and mother of B.W. and E.D., minor children, Merin Johnson, Gregory Miller, and Twyla Walker, individually and as next friend and mother of M.N. and D.W., minor children, Plaintiffs, v. Lockwood, Andrews & Newnam, P.C., Lockwood, Andrews & Newnam Inc., Leo A. Daly Company, Veolia North America, Inc., Veolia North America, LLC, Veolia Water North America Operating Services, LLC, Veolia Environnement, S.A., Defendants | 16-12875 |
| Village Shores, LLC, Angelos Coney Island Palace, Inc., Jan Burgess, David Munoz, Joshua Boggess, Michael Snyder, Sherry Mulherin, Laquisha Jacobs, Zhanna Gardin, and Eddie Hammond, Plaintiffs | 16-14498 |

| | |
|--|----------|
| <p>v.</p> <p>Lockwood, Andrews & Newnam, P.C., Lockwood, Andrews & Newnam, Inc.; Leo A. Daly Company; Veolia North America, Inc.; Veolia North America, LLC; Veolia Water North America Operating Services, LLC; Veolia Environnement, S.A.; Governor Rick Snyder, State of Michigan, City of Flint, Daniel Wyant, Nick Lyon, Andy Dillon, Liane Shekter-Smith, Adam Rosenthal, Stephen Busch, Patrick Cook, Michael Prysby, Bradley Wurfel, Jeff Wright, Edward Kurtz, Darnell Earley, Gerald Ambrose, Dayne Walling, Howard Croft, Michael Glasgow, and Daugherty Johnson, in their individual and official capacities, Defendants</p> | |
| <p>Lowery, Tommie Sr., individually, and as next friend of Tommie Lowery, Jr., Isiah Lowery, and Marcus Lowery; Sandra York; Dorsey Ross, Jr.; Eugene Nelson; and Bernie Nelson, on behalf of themselves and as class representatives of all other similarly situated Plaintiff putative class members, Plaintiffs,</p> <p>v.</p> <p>Lockwood, Andrews & Newnam, P.C.; LAN, Inc.; Leo A. Daily Company; Veolia North America, LLC, and Veolia Environnement S.A.; Rowe, LLC; the State of Michigan and Governor Rick Snyder; the Michigan Department of Health and Human Services; Eden Victoria Wells, M.D.; Stephen Busch; Liane Schekter Smith; Adam Rosenthal; Patrick Cook; Michael Prysby; Bradley Wurfel; Daniel Wyant; Flint Emergency Managers Edward Kurtz, Darnell Earley and Jerry Ambrose, Defendants</p> | 17-10343 |
| <p>Tonya Rogers, individually and as next friend and mother of A.H. and Z.R., minor children; Carl Johnson; and William Thomas, Plaintiffs,</p> <p>v.</p> <p>Lockwood, Andrews & Newnam, P.C., Lockwood, Andrews & Newnam Inc., Leo A. Daly Company, Veolia North America, Inc., Veolia North America, LLC, Veolia Water North America Operating Services, LLC, Veolia Environnement, S.A., Defendants</p> | 17-10360 |
| <p>Lawrence Washington, Jr., individually and as next friend of five minor children, Taylor Washington, Morgan Washington, Chloe Washington, Madison Washington, Lawrence Washington, Aaron Swinger, Angela Way, Connie McNeal, all on behalf of themselves and a class of all others similarly situated, Plaintiffs,</p> <p>v.</p> <p>Governor Richard Dale Snyder, Dennis Muchmore, Andy Dillon, R. Kevin Clinton, Daniel Wyant, Nick Lyon, Liane Shekter Smith, Stephen Busch, Patrick Cook, Michael Prysby Bradley Wurfel, Mike Brown, Ed Kurtz, Darnell Earley, Gerald Ambrose, Dayne Walling, Howard Croft, Michael Glasgow, Daniel Wyant, Eden Wells, Linda Dykema, Nancy Peeler, Robert Scott, Rowe Professional Service Company, a Michigan corporation, Lockwood, Andrews & Newnam, Inc., a Texas corporation, Lockwood, Andrews, & Newnam P.C., a Michigan corporation Leo A. Daly, a Nebraska corporation, Veolia North America, Inc., a Delaware corporation, Veolia North America, LLC, a Delaware limited liability company</p> | 17-10799 |

| | |
|--|--|
| Veolia North America Operating Services, LLC, a Delaware limited liability company, each, a wholly owned subsidiary of Veolia Environment S.A., a French transnational company, City of Flint, a municipal corporation, Defendants | |
|--|--|

In that same order, Judge Levy consolidated all of the class actions under *Carthan, et al u. Snyder, et al*, Case No. 16-10444. In subsequent orders (Dkt. Nos. 185, 232, 441, and 453), Judge Judith E.

Levy consolidated the following additional cases into Case No. 16-10444:

| Case Name | Case No. |
|--|----------|
| <p>Melissa Mays, individually and as next friend of three minor children CMI, CM2 and CM3, Michael Adam Mays, Jacqueline Pemberton, Keith John Pemberton, Elnora Carthan, Rhonda Kelso, individually and as next friend of one minor child KEK, Brandyn Carpenter, Jesse Carpenter and Kimberly Carpenter individually and next friends to their two minor children CC and JC, Adam Murphy and Christina Murphy individually and as next friend to their five minor children KDCM, SMM, CM, LAM, DMM, Michael Snyder, Personal Representative of the Estate of John Snyder, deceased, all on behalf of themselves and a class of all others similarly situated, Plaintiffs,</p> <p>v.</p> <p>Governor Rick Snyder, State of Michigan, Daniel Wyant, Bradley Wurfel, Patrick Cook, Michael Prysby, Andy Dillon, Liane Shekter Smith, Adam Rosenthal, Stephen Busch, Nancy Peeler, Robert Scott Jeff Wright, Edward Kurtz, Darnell Earley, Gerald Ambrose, Dayne Walling, Howard Croft, Michael Glasgow and Daugherty Johnson, City of Flint, Lockwood, Andrews & Newnam, P.C., Lockwood, Andrews & Newnam, Inc., Leo A. Daly Company, Rowe Professional Services Company, f/k/a Rowe Engineering, Inc., Veolia North America, LLC, Veolia North America, Inc., Veolia Water North America Operating Services, LLC, Veolia Environment, S.A., Defendants</p> | 17-10996 |
| <p>Chantal Travis, individually and as next friend and mother of J.T., Y.T., and D.T., minor children; Renee Anderson; Shalandra Green, individually and as next friend and mother of Z.T., minor child; and Aloysius Garrow, Plaintiffs,</p> <p>v.</p> <p>Lockwood, Andrews & Newnam, P.C., Lockwood, Andrews & Newnam Inc., Leo A. Daly Company, Veolia North America, Inc., Veolia North America, LLC, Veolia Water North America Operating Services, LLC, Veolia Environnement, S.A., Defendants</p> | 17-10941 |
| <p>Melisa Mays, individually and as next friend of three minor children, Michael Mays, Jacqueline Pemberton, Keith John Pemberton, Elnora Carthan, and Rhonda Kelso, individually and as next friend of one minor child, all on behalf of themselves and a class of all others similarly situated, Plaintiffs,</p> <p>v.</p> <p>Governor Rick Snyder, in his official capacity, and the State of Michigan for prospective relief only; Daniel Wyant, Liane Shekter Smith, Adam Rosenthal,</p> | 15-14002 |

| | |
|---|----------|
| Stephen Busch, Patrick Cook, Michael Prysby, Bradley Wurfel all in their individual capacities; Darnell Earley, Gerald Ambrose, Dayne Walling, Howard Croft, Michael Glasgow and Daugherty Johnson in their individual and official capacities, and the City of Flint, a municipal corporation, jointly and severally, Defendants. | |
| Beatrice Boler, individually and as a class representative; Pastor Edwin Anderson and Mrs. Alline Anderson, individually and as a class representative; EPCO Sales LLC, individually and as a class representative, Plaintiffs, v. Darnell Earley, individually, and in his official capacity as Emergency Manager), and Gerald Ambrose, (individually, and in his official capacity as Emergency Manager), and Dayne Walling, (individually, and in his official capacity as Mayor), and City of Flint, and Hon. Richard Dale Snyder, (individually, and in his official capacity as Governor) and State of Michigan, and State of Michigan Department of Environmental Quality, and State of Michigan, Department of Health and Human Service, Defendants | 16-10323 |

Genesee County Circuit Court

On November 15, 2016, Judge Richard B. Yuille, entered a case management order-which was amended on October 10, 2017-consolidating the following class actions in the Genesee County Circuit Court:

| Case Name | Case No. |
|--|-----------------|
| Jennifer Mason, et al. v. Lockwood, Andrews & Newnam, P.C., et al. | 16-106150 |
| Doris Collins, Robin Pleasant, Jason Phinisee, on behalf of themselves and a class of all others similarly situated, Plaintiffs, v. Governor Rick Snyder, in his official capacity and State of Michigan for prospective reliefonly, Darnell Earley, Dayne Walling, Howard Croft and the City of Flint, a municipal corporation, jointly and severally, Defendants | 16-106077 |
| Melissa Mays, individually and as next friend of three minor children, C.M.1, C.M.2, and C.M.3, Michael Adam Mays, Jacqueline Pemberton, Keith John Pemberton, Elnora Carthan, and Rhonda Kelso, individually and as next friend of one minor child K.E.K., all on behalf of themselves and a class of all others similarly situated, Plaintiffs, v. City of Flint, a municipal corporation, Receivership Transition Advisory Board, a municipal agency, Natasha Henderson, Eden Victoria Wells, M.D., Stephen | 16-106112 |

| | |
|---|-----------|
| Busch, Liane Shekter-Smith, Adam Rosenthal, Patrick Cook, Michael Prysby, Bradley Wurfel, Howard Croft, Michael Glasgow and Daugherty Johnson, jointly and severally, Defendants. | |
| Waid v. City of Flint | 16-106264 |
| Brown, Willie v. City of Flint | 19-113245 |

*This list has been composed using the best information available and is subject to amendment if new or more accurate information becomes available.